GOVERNMENT OF INDIA
PANCHAYATI RAJ
LOK SABHA

STARRED QUESTION NO:102
ANSWERED ON:05.03.2008
DELEGATION OF POWERS TO PANCHAYATI RAJ INSTITUTIONS
Patil Shri Shriniwas Dadasaheb

Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether all the States have delegated powers to the Local Self-Governments as envisaged in the Seventy-third Constitutional Amendment;

(b) if so, the details thereof;

(c) whether the Union Government has studied the functioning of these Local Self- Governments after the delegation of powers; and

(d) if so, the details thereof and the steps taken by the Government in respect of the States where the powers have not been delegated to thePanchayati Raj Institutions?

Answer

MINISTER OF PANCHAYATI RAJ(SHRI MANI SHANKAR AIYAR)

(a) to (d): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN PARTS (a), (b), (c) and (d) OF LOK SABHA STAR QUESTION NO. 102, DUE FOR REPLY ON 05.03.2008, REGARDING DELEGATION OF POWERS TO PANCHAYATI RAJ INSTITUTIONS

(a): All 24 States to which the provisions of Part IX of the Constitution applies have enacted Panchayati Raj legislation, which inter-alia, provides for the devolution of powers and responsibilities upon Panchayats at the District, Intermediate and Village levels. However, this formal devolution through State legislation needs to be translated into the actual transfer of activities relating to such devolved functions to Panchayats at different levels through executive orders, instructions and administrative arrangements. Such transfer of powers and responsibilities will need to be matched with the corresponding transfer of funds and functionaries, so that Panchayats can perform their roles as institutions of self-government in the spirit of the 73rd Constitutional Amendment. The position in this regard varies from State to State.

(b): Details are annexed.

(c) & (d) Since Panchayati Raj is essentially a State subject, the Ministry has worked closely with States to develop and operationalise a national consensus on the measures to be taken to strengthen Panchayati Raj and ensure that Panchayats function as institutions of self- government as envisaged in Part IX of the Constitution. Such a consensus, arrived at through detailed consultations with States through seven Round Tables of State Ministers of Panchayati Raj held between July and December 2004, touches upon the effective devolution of functions, finances and functionaries, planning, empowerment of Gram Sabhas, issues relating to reservation for SCs/STs, and women, elections, maintenance of accounts and audit, Panchayats vis-Ã -vis parallel bodies, capacity building and training of elected representatives, preparation of a State of the Panchayats Report and work on Panchayati Raj jurisprudence. The consensus decisions are reviewed through a host of consultations, review meetings and intensive tours to States and Panchayats. The Ministry of Panchayati Raj regularly assesses the ground realities regarding the devolution of powers and responsibilities upon Panchayats through the institutional mechanism of meetings of the Council of State Ministers of Panchayati Raj, the Committee of Chief Secretaries of States and Panchayati Raj Secretaries and the Empowered Sub-Committee of National Development Council on Administrative and Financial Empowerment of PRIs. State-specific road maps for devolution of powers and responsibilities to Panchayats have been arrived at following intensive tours by the Union Minister of Panchayati Raj, in respect of twenty two States and Union Territories. This road map, contained in a Statement of Conclusions jointly signed with the Chief Minister of the State concerned, highlights the key points of action on which the State would move to operationalise the recommendations of the Round Tables with a special focus on devolution of funds, functions and functionaries to Panchayats.
In 2006-07, the Ministry of Panchayati Raj undertook a Mid-term Review and Appraisal of the State of the Panchayats based on information sourced from State Governments/UT Administrations in fulfillment of the commitment made by the Ministry at the Fourth Round Table of Panchayati Raj Ministers held in Srinagar in October 2004. This Report was tabled in both Houses on 23 November, 2006 and debated in the Lok Sabha in December, 2006.
During 2007-08, the Ministry has entrusted to the Institute of Rural Management, Anand the task of undertaking an independent assessment of the State of Panchayati Raj in States and UTs, which would, inter-alia, contain independent assessments of States in respect of the scope and ambit of empowerment of Panchayats. The Ministry of Panchayati Raj has also commissioned studies by independent agencies on the role and functioning of Panchayats. Three final and two draft reports have been received. These are being examined. The independent Evaluation is likely to be tabled in both Houses during the second half of the current Budget

Session.

State laws express the mandate on the functions and activities devolved to the Panchayats in different modes. They might contain elaborate provisions laying out the details of functions assigned to Panchayats, or undertake it through a schedule to the State law, or through a combination of both approaches. This causes some element of non-standardization in the reporting of the devolution of functions by States. While some tend to report a high range of devolution, by counting individual activities assigned under law separately as 'subjects' devolved, others tend to give reports in terms of 'departments' devolved.

It is a common experience that legislative devolution by States often remains on paper and needs to be followed up with executive orders, which not only mandate the devolution of functions but also devolves requisite finances and place functionaries with the Panchayats for effective performance of the devolved functions. For instance a 'function' may be devolved through the law and activities through activity mapping, which together, on the face of it, may put in place a measure of accountability of the department employees concerned to Panchayats. However, because of no changes being made in long established codes prescribing technical standards and approval processes (such as the PWD code), circulars, OMs, transfer orders etc, implementation might still defacto continue to vest with line Departments concerned. It is therefore important, both from a point of view of conceptual clarity as also to permit comparisons between States, to maintain the distinction between 'activities', 'subjects' and 'departments' when analyzing functional devolution. Consequently, the Ministry of Panchayati Raj, in parallel with the preparation of the 'State of the Panchayats Report − an independent assessment', has commenced undertaking a nuanced and critical analysis of functional devolution to Panchayats in States, which is considering all these aspects in detail. This process has been completed for Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh, Orissa, Rajasthan, Sikkim, Tamilnadu and West Bengal. Comments of States to these detailed assessments are being obtained.

The Ministry has also conceived of a Panchayat Empowerment and Accountability Incentive Scheme, which aims to provide incentives to States to empower Panchayats through the devolution of functions, funds and functionaries.